

REMARKS

Applicant has carefully reviewed the Official Action dated April 27, 2004 issued for the above identified patent application.

At page 2, paragraph 1 of the Official Action, the Examiner has required the filing of formal drawings. Enclosed are formal drawings to replace the informal drawings filed with the original application papers.

Original Claims 1 - 15 and 18 - 19 have been cancelled, without prejudice. New Claims 21 - 35 have been added to this application. Claim 16 has been amended to more clearly define the nature of the invention defined by that claim, as more fully discussed herein. No fee for the new claims is enclosed since the cost of these claims is offset by the cancellation of original Claims 1 - 15 and 18 - 19.

The Specification has been amended to expressly recite that the transition region 23 of the reinforcement beam includes a protrusion continuously increasing in height in a direction towards the double hat profile portion 22; that the transition region is longer than the single hat profile portion 21 of the reinforcement beam; that the double hat profile portion 22 of the reinforcement beam is longer than the single hat profile portion 21 of the reinforcement beam; and that the double hat profile

portion 22 of the reinforcement beam is longer than the single hat profile portion 21 and the transition region 23 combined. These features of the invention are illustrated in Figures 2 and 3 of the original drawings, which constitute original disclosure to this patent application. It is proper to amend the specification to expressly recite features of the invention disclosed in the original drawings without adding new matter to the patent application. The amendment to the Specification has been made to provide express written support in the Specification for newly added Claims 32, 33, 34, and 35.

At page 2, paragraphs 4 and 5 of the Official Action, original Claims 11 - 15 and 19 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. Although Applicant disagrees with the basis of formal rejection of these claims, the rejection is moot since Claims 11 - 15 and 19 have been cancelled from this application, without prejudice.

In the Official Action, the Weber patent was applied to reject original Claims 1 - 2, 8 - 10, 16 and 18 under 35 U.S.C. Section 102(e); the Weber patent was applied to reject original Claim 3 under 35 U.S.C. Section 103(a); and the Weber patent in view of the Passone patent were combined to reject original Claims 4 - 7, 11 - 15, 17, and 19 - 20 under 35 U.S.C. Section 103(a). Since Claims 1 - 15 and 18 - 19 have been cancelled, without prejudice, the prior art rejections raised against those claims in the Official Action are moot.

Applicant respectfully submits that none of the prior art applied in the Official Action teaches or suggests the vehicle door inner panel now defined by newly added independent Claim 21, or newly added dependent Claims 22 - 35. In the Official Action, the Examiner concedes that the Weber patent does not disclose that a single hat profile extends into a double hat profile (page 6, paragraph 11 of the Official Action dated April 27, 2004). The Passone patent has been cited as disclosing "a reinforcement bar for a vehicle which includes a single hat profile which extends into a double hat profile (Fig. 9)." (Page 6, paragraph 11 of the Official Action dated April 27, 2004). Applicant submits, for the reasons to be discussed below, that neither Weber nor Passone, either alone or in combination, teaches or suggests the vehicle door inner panel defined by Claims 21 - 35.

Before discussing the substance of the prior art rejections made in the Official Action which are based, in part, on the Passone patent, Applicant submits that the Passone patent does not constitute statutory prior art to the present application. Enclosed is a Declaration Under 37 C.F.R. Section 1.131, executed by the two individual joint inventors, establishing a date of invention of the reinforcement bar defined by pending independent Claim 21 and as disclosed in the Specification of the pending patent application at least as early as May 2, 2000. The Passone patent (U.S. Pat. No. 6,641,207) issued on November 4, 2003, and therefore is not a statutory bar under 35 U.S.C. Section 102(b) to the present application which has an effective United States

filing date of January 18, 2002, corresponding to the filing date of PCT/SE02/00079, from which the present application claims the benefit. Both the effective United States filing date of the present application (January 18, 2002) and the actual date of invention (at least as early as May 2, 2000) precede the Section 371 date (March 19, 2002) of the Passone patent. Therefore, the Passone patent is not a statutory bar to the present application under 35 U.S.C. Section 102(e).

The PCT application corresponding to the Passone patent was published on January 18, 2001. The effective filing date of the present application (January 18, 2002) is not more than one year after the publication date of the Passone PCT application, and therefore the publication of the Passone PCT application does not constitute a statutory bar to the present application under 35 U.S.C. Section 102(b). The actual date of invention (May 2, 2000) established for the present application, precedes the publication date (January 18, 2001) of the Passone application, and therefore the published Passone PCT application does not constitute a statutory bar to the present application under 35 U.S.C. Section 102(a). Accordingly, neither the issued United States Passone patent or the PCT application and publication corresponding to the United States Passone patent, constitutes statutory prior art to the present application. Therefore, the Passone patent, either alone or in combination with other references, cannot properly be applied to reject the claims pending in the present application.

For the reasons discussed above, Applicant submits that the Passone patent and its related PCT application cannot be applied as prior art to the claims of the present application. Assuming arguendo that Passone does constitute prior art to the present application, Applicant nonetheless submits that the claims pending in the present application are clearly patentable over the disclosure of the Passone patent for the reasons discussed below.

Independent Claim 21 recites a vehicle door panel including a reinforcement beam formed from first and second portions merging together, the first portion formed from a single hat profile, and the second profile formed from a double hat profile. The claim further recites that the single hat profile is formed from an open channel having first and second outer flanges extending from the side thereof, while the double hat profile is formed from two open channels joined together by a common inner flange. The outer flanges of the double hat profile are the same flanges as the outer flanges of the single hat profile. Dependent Claim 22 recites that the first and second portions of the reinforcement beam merge through a transition region.

Contrary to the reinforcement beam defined by independent Claim 21, Fig. 9 of the Passone patent discloses a beam having two unconnected elements separated by a space 22. The bottoms of the unconnected elements are mounted to a closed base section 12. Thus, the beam disclosed by Fig. 9 of the Passone patent is

different in structure and structural arrangement from that defined by independent Claim 21. The Passone beam does not teach or suggest a double hat profile formed from two opened channels (the unconnected elements of the Passone device are closed by the common base section 12), and does not teach or suggest a common inner flange joining the two open channels (the elements disclosed by Passone in Fig. 9 are unconnected and separated from each other). Moreover, Passone does not teach or suggest a reinforcement beam having a transition region as defined by dependent Claim 32.

Applicant respectfully submits that there is no teaching or suggestion in the prior art itself to modify and/or combine the Weber and Passone patents to result in the vehicle door inner panel as defined by independent Claim 21 or dependent Claim 22. Applicant respectfully submits that newly added independent Claim 21 and dependent Claim 22 are patentable over the prior art applied in the prior Official Action as a result of the significant differences in structure and structural arrangement between independent Claim 21 and dependent Claim 22, and the devices disclosed in the applied prior art references.

Dependent Claims 23 - 35, which depend directly or indirectly from independent Claim 21 and include all features of the parent independent claim, are allowable at least for the same reasons as independent Claim 21. Applicant therefore submits that Claims 23 - 35 are in condition for allowance.

In the Official Action, independent Claim 16 has been rejected as being anticipated by the Weber patent. The Official Action states that "Weber discloses the vehicle door panel as claimed in Claim 1, characterized in that the inner panel (10) is adapted to be hung on an A-pillar (39) of the vehicle, and the front end of said reinforcement beam (36) is attached to, or in close proximity to, an upper hinge (5) of said inner panel." (Page 4, last paragraph of Official Action dated April 27, 2004). Applicant respectfully disagrees with this conclusion. Independent Claim 16 specifically recites that the front end of the reinforcement beam overlaps the A-pillar when the door is fitted. On the contrary, Fig. 4 of Weber illustrates that the front end 2b of the pot shaped portion 2 overlaps the A-pillar 39 at the point where the arrow 2 ends. However, in Weber, the overlapping beam is a waist rail. As discussed in the background section of Applicant's specification (page 1, last paragraph), it is disadvantageous to employ the waist rail to transmit axial force.

Independent Claim 16 has been revised to expressly recite the waist rail (15), as disclosed and illustrated in Applicant's specification and drawings. In this manner, the reinforcement beam (20) is clearly distinguished from the waist rail (15). Independent Claim 16, which expressly recites that it is the reinforcement beam (20), and thus not the waist rail (15), which overlaps the A-pillar, is patentably distinguishable from Weber

which discloses an arrangement in which the waist rail overlaps the A-pillar.

Independent Claim 16 has been rejected as being anticipated by the Weber patent. It is axiomatic that a rejection of a claim as being anticipated by a prior art reference requires the Patent & Trademark Office to establish a strict identity of invention between the rejected claim and the single applied prior art reference. Stated in other words, a rejection of a claim as being anticipated by a prior art reference is improper unless the reference discloses all features of the claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

As a result of the different arrangement between the structure of the vehicle door panel expressly recited in independent Claim 16 and that disclosed in the Weber patent, Applicant submits that the Weber patent does not anticipate (or suggest) the vehicle door inner panel defined by independent Claim 16 when all features of that claim are considered in the patentability determination. Dependent Claims 17 and 20, which depend directly or indirectly from independent Claim 16 and include all features of that parent claim, are believed to be allowable at least for the same reasons as Claim 16.

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For the reasons discussed herein, Applicant respectfully submits that all pending claims are in condition for allowance, and favorable action is respectfully requested.

Enclosed is a petition to extend the time for responding to the Official Action for one (1) month, through and including August 27, 2004, and the fee for the requested extension of time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark P. Stone". The signature is fluid and cursive, with the first name "Mark" and last name "Stone" clearly distinguishable.

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having a profile or cross section including a closed bottom, an opened top, two opposed sidewalls, and flanges extending outwardly from the tops of the opposed sidewalls. This high single hat profile extends continually to become a low double hat profile 22, whereby the beam obtains a bend or curve 24 in the transition region 23. As illustrated by Figures 2 and 3 of the drawings, the transition region 23, which includes a protrusion continuously increasing in height in a direction towards the double hat profile portion 22, is longer than the single hat profile portion 21; the double hat profile portion 22 is longer than the single hat profile portion 21; and the double hat profile portion 22 is longer than the single hat profile portion 21 and the transition region 23 combined. The forward end of the single hat profile 21 includes attachment tabs 25, 26, 27 which are intended for spot-welding to the front end wall 12. Figure 3 shows the beam 20 from one side as a wire model, and Figure 4 shows the double hat profile (consisting of two single hat profiles joined together by a common intermediate flange), which is practically constant over the major part of the length of the beam. It is changed slightly at the rear end, which is adapted for spot-welding to a bracket means 30 attached to the rear end wall, as shown in Figure 5, which is a sectional view taken through the inner panel along the beam, as indicated by the line 5-5 in Figure 1. As illustrated in the drawings, the reinforcement beam 20 is mounted to the front end wall 12 and rear end wall 13 such that the closed ends of the single and double hat profiles are directed inwardly into the interior of the vehicle, and the opened ends of the single and double hat profiles face outwardly from the vehicle.

The beam 20 is formed from a sheet-metal blank. It can be conveniently shaped and hardened by press hardening, i.e., shaped in cold tools and hardened directly in the tools with said tools